

1 ANGIE S. LEE [SBN 254018]
2 SHAWN KAHROBA [SBN 270424]
3 **SHERIDAN & RUND, PC**
4 840 Apollo Street, Suite 351
5 El Segundo, CA 90245
6 Telephone: (310) 640-1200
7 Facsimile: (310) 640-0200
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10 Counsel for Jason M. Rund,
11 Chapter 7 Trustee
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14 UNITED STATES BANKRUPTCY COURT
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16 CENTRAL DISTRICT OF CALIFORNIA
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18 LOS ANGELES DIVISION
19

20 In Re:

21 Case No.: 2:15-bk-10418-SK

22 JACK MARSH,

23 Chapter 7

24 Debtor.
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26 **NOTICE OF TRUSTEE'S MOTION
FOR ORDER APPROVING
COMPROMISE OF CONTROVERSY
AND APPROVING FORM OF
SETTLEMENT AGREEMENT**

27 [No hearing required]

28 **TO THE HONORABLE SANDRA KLEIN, UNITED STATES BANKRUPTCY JUDGE, AND
INTERESTED PARTIES:**

29 **NOTICE IS GIVEN** that Jason M. Rund, the Chapter 7 trustee (the "Trustee") of the
30 bankruptcy estate of Jack Marsh (the "Debtor"), has filed a motion for an order approving compromise
31 of controversy and approving the form of the settlement agreement (the "Settlement Agreement")
32 entered into by and between the Trustee and Matthew Marsh. The Trustee and Marsh are hereinafter
33 collectively referred to as the "Parties."

34 The Settlement Agreement provides that judgment (the "Judgment") shall be entered in the
35 adversary proceeding Rund v. Matthew Marsh, 2:15-ap-01142 (the "Adversary Proceeding). The
36 Judgment is against Matthew Marsh and in favor of the Trustee in the amount of \$125,000.00.

1 The Trustee believes that this compromise is fair and reasonable given the circumstances. The
2 Judgment represents the full amount of damages that the Trustee sought against Matthew Marsh in the
3 Adversary Proceeding. The settlement allows the Trustee to obtain the Judgment without the risk and
4 expense of further litigation.

5 The terms and conditions of the compromise are set forth in the Settlement Agreement attached
6 to the Declaration of Jason M. Rund (the “Rund Declaration”) in support of the Motion as **Exhibit 1**.

7 This Motion is based upon Fed. R. Bankr. P. 9019(a), Local Bankruptcy Rules 9019-1 and
8 9013-1(o)(1), the Memorandum of Points and Authorities, the Rund Declaration, the Request for
9 Judicial Notice, and the separate Notice of Motion concurrently filed herewith and served upon all
10 interested parties pursuant to Fed. R. Bankr. P. 2002(a), all pleadings and records on file herein, all
11 matters that are subject to judicial notice, and all other evidence that may be introduced at or prior to
12 any hearing on this Motion.

13 Based on the foregoing, the Trustee respectfully requests this court enter an order:

14 1. Approving the Trustee’s compromise of controversy between the Trustee and Matthew
15 Marsh as being in the best interest of the estate and as an exercise of the Trustee’s reasonable business
16 judgment;

17 2. Approving the form of the Settlement Agreement memorializing the terms of the
18 compromise that is the subject of this Motion;

19 3. Decreeing that the Proposed Judgment attached to the Rund Declaration as **Exhibit 2**
20 will be entered;

21 4. Providing that if the Judgment is paid within 180 days from the date of entry, Matthew
22 Marsh is entitled to a 25% discount as satisfaction in full of the Judgment;

23 5. Adequate notice of the Motion was provided to all interested parties; and

24 6. Authorizing the Trustee to execute any and all documents necessary to effectuate the
25 compromise that is the subject of this Motion; and

26 7. Granting any other and further relief as may be just and proper.

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1 **Procedure for Obtaining Copy of Motion**

2 A copy of the Motion may be obtained from the Bankruptcy Court or from:

3 Angie S. Lee, Esq.
4 Sheridan & Rund, PC
5 840 Apollo Street, Suite 351
6 El Segundo, CA 90245
7 Telephone: (310) 640-1200
Facsimile: (310) 640-0200
Email: angie@srlawyers.com

8 **Procedure for Objecting to the Motion and/or Requesting a Hearing**

9 Any response to the Motion or request for a hearing must be made in the form required by Local
10 Bankruptcy Rule 9013-1(f)(1) and must be filed with the Court and served upon the Trustee, Jason M.
11 Rund, 840 Apollo Street, Suite 351, El Segundo, CA, 90245 and Angie S. Lee, Sheridan & Rund, PC
12 840 Apollo Street, Suite 351, El Segundo, CA 90245; and upon the United States Trustee, 915 Wilshire
13 Boulevard, Suite 1850, Los Angeles, California 90017, not later than 14 days from the date of service of
14 this notice, plus an additional three days unless this Notice was served by personal delivery or posting
15 as described in FRCP 5(b)(2)(A)-(B).

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17
18 DATED: January 13, 2016

SHERIDAN & RUND, PC

20 By: /s/ Angie S. Lee

21 ANGIE S. LEE
SHAWN KAHROBA
22 Counsel for Jason M. Rund, Chapter 7 Trustee
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

SHERIDAN & RUND
840 Apollo Street, Suite 351
El Segundo, CA 90245

A true and correct copy of the foregoing document entitled (*specify*): Notice of Trustee's Motion for Order Approving Compromise of Controversy and Approving Form of Settlement Agreement will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 13, 2016, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

United States Trustee (LA), ustpregion16.la.ecf@usdoj.gov
Chapter 7 Trustee: Jason M. Rund, trustee@srlawyers.com, jrund@ecf.epiqsystems.com
Counsel for Debtor/Defendant: Donny A. Ekine, inyelaw@dslextreme.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On January 13, 2016, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 13, 2016
Date

Laura Gitnick
Printed Name

/s/ Laura Gitnick
Signature

SERVICE LIST

1 Debtor
2 Jack R Marsh
2 2010 Caddington Drive
3 Rancho Palos Verdes, CA 90275
4 Defendant
4 Matthew Marsh
5 PO Box 6725
5 San Pedro, CA 90734
6 All Creditors of the Estate
7 ALLIANCE ONE
7 Original Creditor: CAPITAL ONE BANK
8 P.O. Box 3111
8 Southeastern, PA 19398-3111
9 BANK OF AMERICA
10 1800 Tapo Canyon
10 Simi Valley, CA 93063-6712
11 BAY ALARM
12 P.O. Box 8140
12 Walnut Creek, CA 94596-8140
13 CHASE BANK USA
14 P.O. Box 15298
14 Wilmington, DE 19850-5298
15 CREDIT BUREAU ASSOCIATES
16 Original Creditor: GDCOAST AMB SERV
16 460 Union Avenue
17 Fairfield, CA 94533-6334
18 LAW OFFICE OF ERIC OLSON
19 100 W. Broadway, Suite 600
19 Glendale, CA 91210
20 LAW OFFICE OF MATTHEW C. BROWN
21 LASC Case No: 8P129720
21 790 East Green Street
21 Pasadena CA 91101-2665
22 LAW OFFICES OF JAMES P.
23 THOMPSON
23 LASC Case No: 14F07023
24 25149 Ebony Lane
24 Lomita, CA 90717-1971
25 LIEN ENFORCEMENT, INC.
26 Original Creditor: VAN LINGEN
26 TOWING, IN
26 P.O. Box 3000E
27 San Jose, CA 95156-0005
28

MEDCOAST AMBULANCESERV
14325 Iseli Road
Santa Fe Spring, CA 90670

MIDLAND FUNDING, LLC
Original Creditor: CHASE BANK USA
Attn: Chief Compliance Oficer
8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

NATIONAL CITY BANK
GREENTREE SERVICING LLC
7360 S. Kyrene Road
Tempe, AZ 85283-8432

VAN LINGEN TOWING. INC
2755 Lomita Boulevard
Torrance, CA 90505-5224

YOCIS & COX
340 Golden Shore, Suite 230
Long Beach. CA 90802-4229